

136/24

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

IN THE MATTER OF:

Enterprise Oil
14445 Linwood Avenue
Detroit, Michigan

Respondent:

Motor Oil Refining Co.
7601 W. 47th Street
McCook, Illinois

Docket No. **V-W- '91-C-131**

ADMINISTRATIVE ORDER
PURSUANT TO SECTION 106
OF THE COMPREHENSIVE
ENVIRONMENTAL RESPONSE,
COMPENSATION, AND
LIABILITY ACT OF 1980,
as amended, 42 U.S.C.
Section 9606(a)

PREAMBLE

This Administrative Order (Order) is issued on this date to Respondent, Motor Oil Refining Co. (MORECO).

It is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9606(a), as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. 99-499 (CERCLA), and delegated to the Administrator of the United States Environmental Protection Agency (U.S. EPA) by Executive Order No. 12580, January 23, 1987, 52 Federal Register 2923, and further delegated to the Assistant Administrator for Solid Waste and Emergency Response and the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Waste Management Division, Region V, by Regional Delegation 14-14-A and 14-14-B.

By copy of this Order the State of Michigan has been notified of the issuance of this Order as required by Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a).

This Order requires the Respondent to undertake and complete emergency removal activities to abate an imminent and substantial endangerment to the public health and welfare or the environment that may be presented by the actual or threatened release of hazardous substances at the site.

FINDINGS

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds:

1. The Enterprise Oil Company site is located at 14445 Linwood Avenue, Detroit, Wayne County, Michigan ("Facility"). The Facility is bordered to the north by the Consolidated Rail Corporation (CONRAIL) railroad tracks and a hospital laundry processing facility, to the east by Linwood Avenue and a gas station, to the south by private residences along Doris Street, and to the west by Lawton Avenue and a small commercial business.
2. In 1990, the population of Detroit, Michigan was 1,027,974 (U.S. Bureau of the Census). Area land use is primarily residential, commercial, and industrial.
3. The Enterprise Oil Company was initially developed by the Citrin-Kolb Oil Company which operated the Site from 1956 to 1968. Site operations included the storage and transfer of kerosene, gasoline, and fuel oil from on-site tanks to tank trucks for delivery to private homes and commercial businesses. Between 1968 and 1976 little commercial activity took place and the facility was available for sale.
4. In March 1976, Citrin-Kolb sold the facility to the Enterprise Oil Company who operated the Facility as a waste oil storage and transfer facility. In June 1987, Enterprise Oil sold the facility to the D & W Oil Company who then operated the site until March 1988, when it was sold to Martin J. Pierce and Fred Levine. Mr. Levine sold his share to Motor Oil Refining Company (MORECO) in August 1989.
5. MORECO is a corporation incorporated in the State of Illinois.
6. MORECO operated the facility as a waste oil storage terminal, collecting waste drain oil and cutting oil from the automotive and railroad industries, from March 1988 until its closure in December 1988. The Facility consists of two above ground tank farms and process piping and pumping stations, a heat exchanger used to drive off water that may be present in the oil, two sludge tanks, ten underground storage tanks, railroad spur, boiler room, maintenance garage, and offices.

7. The largest above-ground tank farm consists of four 250,000-gallon tanks, process piping and pumping station, and secondary containment structure (dike) comprised of four concrete walls and an earthen floor. The second above ground tank farm consists of twelve 20,000 gallon tanks, heat exchanger, process piping and pumping station, and dike with three concrete walls and an earthen floor.
8. On April 25, 1990, the Detroit Fire Department (DFD) responded to a report that tanks were leaking at the Facility. The DFD conducted an inspection of the Facility and found it abandoned, and that approximately 200-300 gallons of oil had been released and confined to the facility property. The DFD placed sand over the affected area and contacted the City of Detroit Department of Community and Industrial Hygiene (DCIH). The DCIH reported the incident to the Michigan Department of Natural Resources (MDNR), Environmental Response Division, Southeast District Office (ERD).
9. On April 30, 1990, a meeting was held at the Enterprise Oil Company with representatives from the MDNR, DFD, and MORECO to discuss undertaking cleanup activities at the Facility. The DFD expressed concern over fire hazards that may be present due to residual oil remaining in the tanks, and that access to the Facility was unrestricted. MORECO indicated that all tanks inside the diked areas were empty. MORECO agreed to clean up the recent spill and address the soil contamination.
10. The Michigan State Police contacted the MDNR on April 24, 1991, and reported that vandals removed valves from the on-site tanks and released oil. The report stated that the oil was partially being contained within the dike area, but was migrating off-site and had impacted approximately 400 to 500 yards along a railroad track north of the dike wall. The DFD responded to the incident and removed the oil that was contained within the dike.
11. On July 23, 1991, the DFD responded to another report of an oil spill at the Facility. It was reported to the MDNR that four above ground storage tanks were leaking oil and water into the dike area. The oil was seeping under the dike wall and migrating along the railroad tracks adjacent to the Facility. The MDNR contacted MORECO and advised them that a cleanup must start immediately.

12. During July 24 -26, 1991, MORECO contracted a local licensed waste hauler to remove all the oil that was released from the Facility. MORECO informed the MDNR that all contaminated soil and residual materials in the on-site tanks would be removed. Approximately 44,000 gallons of oil was pumped from the dike and along the railroad tracks and transported to a local oil recycling company. Analysis of the oil by the recycling facility revealed elevated levels of chlorine at 2,660 parts per million (ppm).

On July 26, 1991, the MDNR conducted an inspection of the Facility as cleanup operations proceeded. Inspectors observed extensive surface soil contamination throughout the property and that the oil release had impacted the soil along the railroad tracks north of the dike wall. Portions of the perimeter fence were removed and the gates were damaged and open allowing unrestricted access to the Facility. Trash and debris were also scattered throughout the Facility.

13. Drainage from the Facility is confined to the City of Detroit combined sewer system. During periods of heavy rainfall, overloaded sewer lines are allowed to bypass treatment and be discharged directly into the Detroit River. There may be a direct discharge to the Detroit River from the sanitary system during this controlled bypass. The Detroit River is used for recreation and as a drinking water supply for communities south of Detroit.
14. The MDNR-ERD issued a notice letter on July 30, 1991, informing MORECO that they were a responsible party under the Michigan Environmental Response Act, Public Act 1982, and under Section 10(a) of Act 307. MORECO was also informed of their failure to notify the MDNR within twenty-four (24) hours of the release of hazardous substances at the Facility. The MDNR requested that MORECO undertake and complete removal activities to clean up the Facility within ninety (90) days.
15. On August 21, 1991, the City of Detroit Department of Community and Industrial Hygiene contacted the U.S. EPA Emergency and Enforcement Response Branch (EERB), Section I, Grosse Ile, Michigan, and requested immediate spill response action at the Facility.

16. Between September 6, 1991, and September 18, 1991, the U.S. EPA Technical Assistance Team (TAT) contractor, Ecology and Environment, conducted a site assessment of the Facility. Approximately fifty (50) drums of unknown material and suspected flammable solvents were found scattered throughout the Facility. Labels on some of the drums indicated flammable "isopropanol" and "hazardous waste". Extensive soil contamination was observed throughout the Facility and several storm sewers had become blocked by sludge and soil soaked with waste oil. Several fuel oil tanks and small containers of oil and unknown materials were also found, many open and releasing their contents. Access to the Facility was unrestricted and portions of the perimeter fence were missing. The gates to the Facility were broken and left open. Clothing and other personal belongings were observed in several of the buildings on-site, indicating that vagrants had been living in them.

Two (2) large above ground tank farms, one (1) with four (4) 250,000-gallon tanks and another with fifteen (15) 20,000-gallon tanks, were observed along the northern boundary of the Facility. Waste oil was observed inside the dike structure surrounding the tank farm containing the 250,000-gallon tanks. An area outside the north wall of the dike contained a large pool of waste oil and had begun to migrate off-site under the railroad tracks. The waste oil was observed to be accumulating along the northern section of the tracks. The TAT also observed that several of the storage tanks still contained material.

Analytical results of liquid, solid, and soil samples collected from drums, tanks, and affected spill areas revealed some drums with flashpoints ranging between 70 and 85 degrees Fahrenheit, indicating the presence of ignitable hazardous waste under the Resource Conservation and Recovery Act of 1976, as amended ("RCRA"), 42 U.S.C. §6901 et seq. and 40 CFR §261.24. Analytical results from these samples also indicated the presence of heavy metals, such as arsenic, chromium, lead, thallium, and zinc, and volatile organic chemicals, such as benzene, xylene, methylene chloride, and methylnaphthalene. Analytical results of samples collected from the waste oil that was released from the Facility's storage tanks revealed the presence of benzene and chemical solvents such as chloroform, tetrachloroethene, and trichloroethene above the Toxicity Characteristic Leachate Procedure (TCLP) regulatory limits for those compounds. In addition, the chemical solvent methyl ethyl ketone, primarily used in metal degreasing operations, was also identified in the waste oil. The levels of chloroform, methyl ethyl ketone,

tetrachloroethene, and trichloroethene exceed those levels which are normally found in crude oil or refined petroleum fractions.

DETERMINATIONS

Based on the foregoing Findings, U.S. EPA has determined that:

1. The Enterprise Oil Company site at 14445 Linwood Avenue, Detroit, Wayne County, Michigan ("Facility") is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. Section 9601(9).
2. The Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. Section 9601(21).
3. Respondent arranged for disposal or transport for disposal of hazardous substances at the Facility, or is a past or present owner or operator of the Facility. Respondent is therefore a liable person under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a).
4. Benzene, xylene, methylene chloride, methylnaphthalene, arsenic, chromium, lead, thallium, zinc, the waste oil in tanks at the Facility and released at the Facility, and the ignitable hazardous wastes are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14).
5. The discharge of waste oil to the soils in and around the Facility and to the Facility sewer system, groundwater, and ultimately the Detroit River constitutes an actual or threatened "release" as that term is defined in Section 101(22) of CERCLA, 42 U.S.C. Section 9601(22).
6. The actual or threatened release of hazardous substances from the Facility may present an imminent and substantial endangerment to the public health, welfare, or the environment.
7. The actions required by this Order, if properly performed, are consistent with the National Contingency Plan (NCP), 40 CFR Part 300, as amended, and CERCLA; and are reasonable and necessary to protect the public health, welfare and the environment.
8. The conditions present at the Facility constitute a threat to public health or welfare or the environment based upon consideration of the factors set forth in the NCP, Section

300.415(b)(2). These factors, include, but are not limited to, the following:

- a. actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants;**

This factor is present at the Facility due to the existence of discharges of waste oil containing benzene, chloroform, tetrachloroethene, and trichloroethene above TCLP regulatory limits, and also containing methyl ethyl ketone. The chemical solvents chloroform, methyl ethyl ketone, tetrachloroethene, and trichloroethene are primarily used in metal degreasing operations, are hazardous substances under Section 101(14) of CERCLA, and are present in the waste oil at levels which exceed the levels normally found in refined petroleum fractions. Numerous discharges have resulted in large accumulations of waste oil inside and outside secondary containment structures. Drums have been found scattered across the Facility in various stages of deterioration. Analytical results have revealed the presence of benzene, toluene, xylene, and other hazardous substances in some of these drums. The Facility has been repeatedly vandalized and portions of the perimeter fence have been removed. Clothing and other personal belongings have been found on-site, indicating that vagrants have been living in the buildings. Unrestricted access to the Facility by children and adults could result in direct contact with accumulated and discharged wastes.

- b. hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;**

This factor is present at the Facility due to the fact that the Facility operated as a waste oil storage terminal. Two (2) above ground tank farms, with a combined storage capacity of 1.3 million gallons, have been observed along the northern boundary of the Facility. Within the past two (2) years the local fire department has responded to contain and remove material that was released from these tanks. The U.S. EPA Technical Assistance Team and the OSC have documented off-site migration of waste oil that was released from the Facility. Analytical results of samples collected from the waste oil have revealed chemical solvents such as chloroform, methyl ethyl ketone, tetrachloroethene, and trichloroethene which exceed levels usually found in refined petroleum fractions. These chemical solvents are hazardous substances under Section 101(14) of CERCLA. The TAT site assessment also indicated that several

tanks may contain waste oil or other material. Drums were observed on-site in various stages of deterioration. Air monitoring conducted with a Photoionization Detector (Hnu) and an Organic Vapor Analyzer (OVA) from these drums has revealed levels ranging between 1 and 440 units on the Hnu and 1-1,000 ppm on the OVA indicating the presence of volatile and organic compounds. Some of the drums were found open and on their sides, releasing their contents.

- c. high levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface that may migrate;**

This factor is present at the Facility due to the existence of off-site migration of waste oil. One (1) tank farm contains four (4) 250,000-gallon tanks and secondary containment structure comprised of four concrete walls and an earthen floor. On several occasions waste oil was released into the containment structure permeating the earthen floor and migrating under the containment wall. Documentation shows that waste oil has been flowing from the containment structure and accumulating along railroad tracks north of the Facility. Analytical results of samples collected from oil which had been released from on-site storage tanks have revealed elevated levels of chemical solvents such as methyl ethyl ketone, chloroform, tetrachloroethene, and trichloroethene which are not normally found in refined petroleum fractions, and are hazardous substances under Section 101(14) of CERCLA.

- d. weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;**

This factor is present at the Facility due to the existence of soil within the secondary containment structure being heavily saturated with waste oil. During heavy periods of precipitation, waste oil would continue to migrate under the dike wall toward the railroad tracks north of the Facility. Increased rainfall would allow this waste oil to move along a depression parallel to the tracks and enter the storm sewer system where the tracks cross a surface street. Continued exposure of the drums to the outside elements could allow further deterioration, leading to a potential release of their contents.

- e. threat of fire or explosion;**

This factor is present at the Facility due to the existence of drums suspected of containing isopropanol. Labels on some of the drums indicate the presence of isopropanol. Analytical results from samples collected from the drums found on-site revealed flashpoints ranging between 70-75 degrees Fahrenheit, and 80-85

degrees Fahrenheit. If the drums were ignited, the residual oil remaining in the storage tanks could provide an additional combustion source and allow the fire to spread throughout the abandoned buildings remaining on-site, and possibly to the residential structures bordering the Facility to the south. In addition, fire department responses, oil leaks and a large accumulation of tires, some of which have burned, serve to warn of potentially severe fire dangers.

ORDER

Based upon the foregoing Findings and Determinations, and pursuant to Section 106(a) of CERCLA, 42 U.S.C. Section 9606(a), it is hereby Ordered that Respondent undertake the following actions at the Facility:

1. Within five (5) business days after the effective date of this Order, the Respondent shall submit to U.S. EPA for approval, a Work Plan for the removal activities ordered as set forth in Paragraph 4 below. The Work Plan shall provide a concise description of the activities to be conducted to comply with the requirements of this Order. The Work Plan shall be reviewed by U.S. EPA, which may approve, disapprove, require revisions, or modify the Work Plan. Respondent shall implement the Work Plan as finally approved by U.S. EPA. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order.
2. The Work Plan shall contain a site safety and health plan, a sampling and analysis plan, and a schedule of the work to be performed. The site safety and health plan shall be prepared in accordance with the Occupational Safety and Health Administration (OSHA) regulations applicable to Hazardous Waste Operations and Emergency Response, 29 CFR Part 1910. The Work Plan and other submitted documents shall demonstrate that the Respondent can properly conduct the actions required by this Order.
3. Respondent shall retain a contractor qualified to undertake and complete the requirements of this Order, and shall notify U.S. EPA of the name of such contractor within three (3) business days of the effective date of this Order. U.S. EPA retains the right to disapprove of any, or all, of the contractors and/or subcontractors retained by the Respondents. In the event U.S. EPA disapproves of a selected contractor, Respondent shall retain a different contractor to perform the work, and such selection shall be made within two (2) business days following U.S. EPA's disapproval.

4. Within three (3) business days after U.S. EPA approval of the Work Plan, Respondent shall implement the Work Plan as approved or modified by U.S. EPA. Failure of the Respondent to properly implement all aspects of the Work Plan shall be deemed to be a violation of the terms of this Order. The Work Plan shall require the Respondent to perform, and complete within one-hundred ninety (190) calendar days after approval, at a minimum, the following removal activities:
 - a. Establish site security.
 - b. Develop and implement site safety measures.
 - c. Implement an air monitoring program during site activities.
 - d. Stage, sample, characterize, and overpack all drummed and containerized hazardous substances, pollutants, wastes, or contaminants found on site.
 - e. Sample, characterize, remove, and dispose of all waste oil, hazardous liquids, and hazardous sludge found in all above ground storage tanks. Decontaminate, remove, and/or dispose of all above ground storage tanks, process piping and pumping stations.
 - f. Sample and characterize the contents of all underground storage tanks, and remove all contaminated oil and other hazardous substances found in the underground storage tanks.
 - g. Conduct a sampling program to characterize the type and extent of contamination in areas affected by previous spills or leaks from storage tanks of hazardous substances, pollutants, wastes, or contaminants found on site.
 - h. Excavate and dispose of all characterized soil contamination and conduct post clean-up sampling to verify that all contaminated soil has been removed to clean-up levels as determined by the On-Scene Coordinator.
 - i. Decontaminate or dispose of all scrap metal produced during the cleanup.
 - j. Transport and dispose of all characterized hazardous substances, pollutants, or contaminants at a RCRA/CERCLA approved disposal facility.

5. All materials containing hazardous substances, pollutants or contaminants removed pursuant to this Order shall be disposed of or treated at a facility approved by the On-Scene Coordinator and in accordance with the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. Section 6901, et seq., as amended, the U.S. EPA Revised Off-Site Policy, and all other applicable Federal, State, and local requirements.
6. On or before the effective date of this Order, the Respondent shall designate a Project Coordinator. To the greatest extent possible, the Project Coordinator shall be present on site or readily available during site work. The U.S. EPA has designated Peter Guria of the Emergency and Enforcement Response Branch, Response Section I, as its On-Scene Coordinator. The On-Scene Coordinator and the Project Coordinator shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communication between the Respondent and the U.S. EPA, and all documents, reports and approvals, and all other correspondence concerning the activities relevant to this Order, shall be directed through the On-Scene Coordinator and the Project Coordinator.
7. The U.S. EPA and the Respondent shall each have the right to change their respective designated On-Scene Coordinator or Project Coordinator. U.S. EPA shall notify the Respondents, and Respondent shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be verbal, but shall promptly be reduced to writing.
8. The U.S. EPA On-Scene Coordinator shall have the authority vested in an On-Scene Coordinator by the NCP, 40 CFR Part 300, as amended, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or the Respondent at the facility.
9. Extensions to the time frames in this Order shall be granted only upon a showing of sufficient cause. All extensions must be requested, in writing, and shall not be deemed accepted unless approved, in writing, by U.S. EPA.
10. This Order and all instructions by the U.S. EPA On-Scene Coordinator or his designated alternate that are consistent with the National Contingency Plan and this Order shall be binding upon the Respondents.

11. To the extent that the Facility or other areas where work under this Order is to be performed is owned by, or in possession of, someone other than the Respondents, Respondent shall obtain all necessary access agreements. In the event that after using their best efforts Respondent is unable to obtain such agreements, Respondent shall immediately notify U.S. EPA. U.S. EPA may then assist Respondent in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as it deems appropriate.
12. Respondent shall provide access to the Facility to U.S. EPA employees, contractors, agents, and consultants at reasonable times, and shall permit such persons to be present and move freely in the area in order to conduct inspections, including taking photographs and videotapes of the Facility, to do cleanup/stabilization work, to take samples to monitor the work under this Order, and to conduct other activities which the U.S. EPA determines to be necessary.
13. Nothing contained herein shall be construed to prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order, or from taking other legal or equitable action as it deems appropriate and necessary, or from requiring the Respondent in the future to perform additional activities pursuant to CERCLA, 42 U.S.C. Section 9601 et seq., or any other applicable law.
14. This Order shall be effective three (3) business days after Respondent receives this Order unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective on the second (2nd) business day following the day of the conference unless modified in writing by U.S. EPA.
15. On or before one (1) business day after the effective date of this Order, Respondent shall provide notice, verbally or in writing, to U.S. EPA stating their intention to comply with the terms of this Order. Verbal notification must be followed in writing within two (2) business days. In the event Respondent fails to provide such notice, the Respondent shall be deemed not to have complied with the terms of this Order.
16. Copies of all records and files relating to hazardous substances found on the site shall be retained for six years following completion of the activities required by this Order and shall be made available to the U.S. EPA prior to the termination of the removal activities under this Order.

17. Respondent shall provide a written weekly progress report to the On-Scene Coordinator regarding the actions and activities undertaken under this Order. At a minimum, these progress reports shall describe the actions that have been taken to comply with this Order, including all results of sampling and tests received or prepared by the Respondent and shall describe all significant work items planned for the next month.
18. Respondent shall submit a final report summarizing the actions taken to comply with this Order. The report shall contain, at a minimum: identification of the facility, a description of the locations and types of hazardous substances encountered at the facility upon the initiation of work performed under this Order, a chronology and description of the actions performed (including both the organization and implementation of response activities), a listing of the resources committed to perform the work under this Order (including financial, personnel, mechanical and technological resources), identification of all items that affected the actions performed under the Order and discussion of how all problems were resolved, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destination of those materials, and a presentation of the analytical results of all sampling and analyses performed and accompanying appendices containing all relevant paperwork accrued during the action (e.g., manifests, invoices, bills, contracts, permits). The final report shall also include an affidavit from a person who supervised or directed the preparation of that report. The affidavit shall certify under penalty of law that based on personal knowledge and appropriate inquiries of all other persons involved in preparation of the report, the information submitted is true, accurate and complete to the best of the affiant's knowledge and belief. The report shall be submitted within sixty (60) calendar days of completion of the work required by the U.S. EPA.
19. All notices, reports and requests for extensions submitted under terms of this Order shall be sent by certified mail, return receipt requested, and addressed to the following:

one copy Peter Guria
 On-Scene Coordinator
 U.S. EPA-Region V
 Response Section I-5HSGI
 9311 Groh Road
 Grosse Ile, Michigan 48138

one copy Terence Branigan
 Assistant Regional Counsel
 U.S. EPA (5CS-TUB-7)
 77 West Jackson Street
 Chicago, Illinois 60604

20. If any provision of this Order is deemed invalid or unenforceable, the balance of this Order shall remain in full force and effect.

ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting the above Determinations and Findings is available for review on normal business days between the hours of 9:00 a.m. and 5:00 p.m. in the Office of Regional Counsel, United States Environmental Protection Agency, Region V, 111 W. Jackson Blvd., Third Floor, Chicago, Illinois. Please contact Terence Branigan, Assistant Regional Counsel, at (312) 353-4737 to review the Administrative Record. An index of the Administrative Record is attached hereto.

OPPORTUNITY TO CONFER

With respect to the actions required above, Respondent may within three (3) business days after the Respondent receives this Order, request a conference with the U.S. EPA. Any such conference shall be held within three (3) business days from the date of request unless extended by mutual agreement of the parties. At any conference held pursuant to the request, Respondent may appear in person, or be represented by an attorney or other representative. If any Respondent desires such a conference, the Respondent shall contact Terence Branigan, Assistant Regional Counsel, at (312) 353-4737.

If such a conference is held, Respondent may present any evidence, arguments or comments regarding this Order, its applicability, any factual determinations upon which the Order is based, the appropriateness of any action which Respondent are ordered to take, or any other relevant and material issue. Any such evidence, arguments or comments should be reduced to writing and submitted to U.S. EPA within two (2) business days following the conference. If no conference is requested, any such evidence, arguments or comments must be submitted in writing within three (3) business days following the effective date of this Order. Any such writing should be directed to Terence Branigan, Assistant Regional Counsel, at the address cited above.

Respondent is hereby placed on notice that U.S. EPA will take any action which may be necessary in the opinion of U.S. EPA for the protection of public health and welfare and the environment, and Respondent may be liable under Section 107(a) of CERCLA, 42 U.S.C. Section 9607(a), for the costs of those government actions.

PENALTIES FOR NONCOMPLIANCE

Respondent is advised pursuant to Section 106(b) of CERCLA, 42 U.S.C. Section 9606(b), that willful violation or subsequent failure or refusal to comply with this Order, or any portion thereof, may subject the Respondent to a civil penalty of no more than \$25,000 per day for each day in which such violation occurs, or such failure to comply continues. Failure to comply with this Order, or any portion thereof, without sufficient cause may also subject the Respondent to liability for punitive damages in an amount three times the amount of any cost incurred by the government as a result of the failure of Respondent to take proper action, pursuant to Section 107(c)(3) of CERCLA, 42 U.S.C. Section 9607(c)(3).

By: David A. Ullrich
David A. Ullrich, Director
Waste Management Division
United States Environmental
Protection Agency
Region V

December 26, 1991

Enterprise Oil
14445 Linwood Avenue
Detroit, Wayne County, Michigan

ADMINISTRATIVE RECORD
FOR
ENTERPRISE OIL

December 5, 1991

| <u>DATE</u> | <u>AUTHOR</u> | <u>RECIPIENT</u> | <u>TITLE/DESCRIPTION</u> | <u>PAGES</u> |
|-------------|--------------------------|-----------------------|--|--------------|
| 10/31/91 | Ecology & Environment | U.S. EPA | Site Assessment/ Analytical Results | 152 |
| 00/00/00 | Adamkus, A., U.S. EPA | Clay, D., U.S. EPA | Action Memorandum | |

REMOVAL PROGRAM

106 UNILATERAL ORDER

ROUTING SLIP
(Revised 6/18/91)

ENTERPRISE OIL COMPANY
(SITE NAME)

Please sign the Yellow and check your name off this page.
Then pass the document on to the next name.
Do not sign this page, SIGN THE YELLOW

NAME

1. EERB BRANCH SECRETARY FOR LOGGING
(IF NOT GENERATED BY THE EERB)
2. EERB ON-SCENE COORDINATOR
3. EERB ENFORCEMENT SPECIALIST
4. EERB RESPONSE SECTION CHIEF I
5. EERB BRANCH SECRETARY FOR LOGGING
6. ORC STAFF ATTORNEY
7. ORC SECTION CHIEF
8. ORC BRANCH CHIEF
9. EERB BRANCH SECRETARY FOR LOGGING
10. EERB EMERGENCY SUPPORT SECTION CH.
11. EERB BRANCH CHIEF
12. EERB BRANCH SECRETARY FOR LOGGING
13. OSF ASSOCIATE DIRECTOR
14. DOCKET CLERK
15. WMD DIRECTOR
16. RETURN TO Linda Beasley (ENFORCEMENT
SPECIALIST) FOR MAILING TO PRP'S AND DISTRIBUTION TO BCC
LIST.

Margie Johnson ✓

Pete Guria ✓

Linda Beasley ✓

Ross Powers ✓

Margie Johnson ✓

Terence Branigan TTB 12/4/91 ✓

Rett Nelson TTB for TLW 12/13/91

Lynn Peterson 12/15/91

Margie Johnson ✓ 12/19/91, TTB

P. Schafer ✓ 12/24/91

R. Bowden ✓ 12/24/91

Margie Johnson

Norm Niedergang 12/26/91

J. Dillard 12/26/91

Dave Ullrich 12/26/91

Tommy/Kelly

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essence?

See Karger
for language
Lyn

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but not prior to
see how
provisions 2000.